

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PERFECT CORP.,

Plaintiff,

v.

LENNON IMAGE TECHNOLOGIES,
LLC,

Defendant.

Case No. 6:22-cv-01164-ADA

Jury Trial Demanded

**DEFENDANT LENNON IMAGE TECHNOLOGIES, LLC’S
MOTION FOR PROTECTIVE ORDER**

Defendant Lennon Image Technologies, LLC files this motion for protective order seeking to quash recently served subpoenas on witnesses directly related to Defendant, because they violate the Court’s Standing Order staying all discovery until after *Markman*.

On June 1, 2023, Plaintiff served subpoenas seeking documents and deposition testimony from Jerry Lennon, Dan Mitry, and Timothy Salmon (the “Subpoenas”, Exhibit 1). These individual witnesses are the patent inventor and principals of Defendant Lennon Image Technologies, LLC.

On June 6, Defendant informed Plaintiff that the Subpoenas were in violation of the Court’s Standing Order Governing Proceedings (OGP) 4.3 in Patent Cases. As the Court is aware, discovery on the merits is stayed prior to the *Markman* hearing. In particular, Section 3 of the Standing Order states “[e]xcept with regard to venue, jurisdictional, and claim construction-related discovery, all other discovery shall be stayed until after the *Markman* hearing.”

Defendant objected to the Subpoenas on behalf of the witnesses via letter on June 13, 2023 (Exhibit 2).

Plaintiff responded via Email that they still expected full compliance with the Subpoenas. (Exhibit 3) in spite of the Court's Standing Order.

Defendant hereby requests the Court enter a protective order that quashes and renders null and void the Subpoenas as being in violation of the Court's Standing Order.

Dated: June 15, 2023

Respectfully submitted,

BUETHER JOE & COUNSELORS, LLC

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CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for the parties have conferred regarding the relief sought in this motion and that Plaintiff, as indicated in Exhibits 2 and 3, is opposed, thereby necessitating the filing of this motion with the Court.

/s/ Christopher M. Joe _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 15th day of June 2023. Any other counsel of record will be served by facsimile transmission or regular U.S. mail.

/s/ Christopher M. Joe _____